BEFORE THE LOK ADALATH
ORGANIZED BY THE KERALA HIGH COURT LEGAL SERVICES COMMITTEE

PRESENT :

THE HONOURABLE MR. JUSTICE M.M.PAREED PILLAY
(RETD.CHIEF JUSTICE, HIGH COURT OF KERALA)
&
THE HONOURABLE MR. JUSTICE M.R.HARIHARAN NAIR
(RETD.JUDGE, HIGH COURT OF KERALA)

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

WP(C).No. 14164 of 2004(J)

PETITIONERS:
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1. P.DIVAKARAN NAIR, S/O.PARAMESWARAN NAIR, AGED 80 YEARS, UDAYAGIRI HOUSE, NAGAROOR, ALTHARAMOODU.P.O., THIRUVANANTHAPURAM.

2. P.SARALAMMA, W/O.DIVAKARAN NAIR, AGED 72 YEARS, UDAYAGIRI HOUSE, NAGAROOR, ALTHARAMOODU, THIRUVANANTHAPURAM.

BY ADV. SRI.SABU THOZHUPPADAN.K

RESPONDENTS:
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1. THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM.

2. THE DEPUTY TAHSILDAR, (RR) TALUK OFFICE, CHIRAYINKEEZHU.

3. THE VILLAGE OFFICER, NAGAROOR VILLAGE OFFICE, NAGAROOR.

* 4. THE BRANCH MANAGER, PUNJAB NATIONAL BANK, BANERJI ROAD, ERNAKULAM.

R4 CORRECTED

***** THE BRANCH MANAGER, PUNJAB NATIONAL BANK, MARKET ROAD, ERNAKULAM,
(CORRECTED AS PER ORDER DTD.3.4.2006 IN I.A.5050/06)

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR DETERMINATION AT THE LOK ADALATH AND THE PARTIES HAVING SETTLED THE MATTER, THE FOLLOWING AWARD IS PASSED IN TERMS OF THE SETTLEMENT:

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF DEMAND NOTICE NO.G7-2011/04 DTD.2-4-2004 OF 2ND RESPONDENT IN THE NAME OF 1ST PETITIONER.

EXT. P2: COPY OF DEMAND NOTICE NO.1 G7-2011/04 DTD.2-4-2004 OF END RESPONDENT IN THE NAME OF IST PETITIONER UNDER SEC.34 OF R.R.,ACT.

EXT.P3: COPY OF DEMAND NOTICE NO.G7-2017/04 DTD.2.4.04 OF 2ND RESPONDENT UNDER SEC.7 OF R.R.ACT.

EXT.P4: COPY OF DEMAND NOTICE NO.G7-2017/04 DTD. 2.4.2004 OF 2ND RESPONDENT IN THE NAME OF 2ND PETITIONER UNDER SEC.34 OF R.R.ACT.

EXT. P5: COPY OF LETTER DTD.11.2.02 OF EXPORT CREDIT GUARANTEE CORPORATION LTD. IN THE NAME OF COCHIN CHEMICALS AND RUBBER PRODUCTS, NAGARCOIL.

EXT. P6: COPY OF LETTER DTD.22.2.02 OF EXPORT CREDIT GUARANTEE CORPORATION LTD. IN THE NAME OF COCHIN CHEMICALS AND RUBBER PRODUCTS, NAGARCOIL.

EXT. P7: COPY OF PETITION DTD. 26.4.2004 OF THE PETITIONERS SUBMITTED TO THE IST RESPONDENT.

/TRUE COPY/

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M.M.PAREED PILLAY (RETD. CHIEF JUSTICE) &
M.R.HARIHARAN NAIR (RETD. JUDGE)

W.P.(C) No. 14164 OF 2004(J)

Dated this the 11th day of December, 2006

A W A R D

M.M.PAREED PILLAY (Rtd. Chief Justice)

Counsel for the petitioner and Regional Manager of the 4th respondent- Bank are present. Mr.Aji Kumar who is the son of the petitioner is also present representing the petitioner. After discussions the parties have settled their dispute in the case, on the following terms:

`a. The amount due to the Bank as on date is mutually agreed as Rs.9,33,000/- (Rupees Nine lakhs and thirty three thousand only). Out of this amount Rs.4,00,000/- (Rupees Four Lakhs only) will be paid by the petitioner to the 4th respondent on or before 21.12.2006 and the balance in 2 equal instalments payable on or before 15.1.2007 and 15.2.2007 respectively.

b. Instalments due on 15.1.2007 and 15.2.2007 will attract interest at 5.5% per annum with effect from this date.

c. In case any of the 3 payments afore-mentioned are defaulted, the 4th respondent will be free to proceed with the recovery proceedings already initiated.

The case is compromised as stated above.

M.M.PAREED PILLAY
(RETD. CHIEF JUSTICE)

M.R.HARIHARAN NAIR
(RETD. JUDGE)

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